



**DEFENSE THREAT REDUCTION
AGENCY
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FORT BELVOIR, VA 22060-6201**

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Description of Action

The Defense Threat Reduction Agency (DTRA) proposes to procure without using full and open competition Nuclear Weapon Accident/Incident Exercise (NUWAIX) and Foreign Chemical, Biological, Radiological, Nuclear, and High Yield Explosives (CBRNE), exercise support and evaluation services from Cubic Defense Applications Inc. (CAI).

2. Description of the Supplies/Services Required

This NUWAIX and Foreign CBRNE exercise and evaluation support contract provides subject matter experts (SME) to evaluate and improve the existing process and procedures required to respond to accidents/incidents involving nuclear weapons, nuclear reactors, improvised nuclear/radiological devices, radiological materials, chemical/biological agents/materials and other WMD systems. SME support is acquired under this contract for the evaluation of the plans, policies and procedures required to maintain and improve the national and Department of Defense (DoD) consequence management (CM) response capabilities and CBRNE Preparedness. Support under this effort consists of planning, development, and execution of counter CBRNE engagements and exercise events; specifically, SME's aid DTRA with NUWAIX and Foreign CBRNE engagements. Overall, this effort provides the Geographic Combatant Commanders' (GCCs) a primary vehicle for assessing the effectiveness of their plans, policies, and procedures for their respective NUWAIX and Foreign CBRNE response programs, including prevention, protection, mitigation, response and recovery of a CBRNE related event. This contract provides full life-cycle direct support to the GCCs consisting of the aforementioned important engagements which include planning, coordination, execution, and evaluation of existing plans and the performance of their personnel during each of the exercises.

Overall, the NUWAIX and Foreign CBRNE programs provide direct assistance to the Combatant Commands (CCMDs) in their mission to provide efficient and timely CBRNE preparedness assistance to U.S. allied Partner Nations (PNs) within their Areas of Responsibility (AOR) through preparedness, mitigation and response capabilities. The success of the GCC assistance is significantly contingent upon the presence of and level of CBRNE preparedness of the PNs within the GCCs AOR. To this end, the J10CEE evaluates the current capabilities of identified PNs and develops tailored training and sustainment plans to ensure the PNs possess the requisite level of expertise to effectively mitigate the effects and respond to a CBRNE event as well effectively and efficiently receive CBRNE assistance from the cognizant GCC.

This work is currently being performed under single award Indefinite Delivery/Indefinite Quantity (IDIQ) Contract HDTRA1-04-D-0020 awarded to CAI in July of 2004 as a result of a full and open competition. The ordering period under the current IDIQ includes a base year ordering period from 20 July 2004 through 21 July of 2009 and an additional option

ordering period of 20 July 2009 through 21 July 2014. Task order 0012 under this IDIQ was issued to Cubic on 24 November 2012 for NUWAIX/CBRNE. This task order consisted of a base period of performance from 24 November 2012 to 23 November 2013 and an option period from 24 November 2013 to 23 November 2014.

In 2013 DTRA prepared for a follow-on CBRNE contract to be issued using full and open competitive procedures. The results of the full and open competition were announced on 23 July 2014. This award was protested on 4 August 2014 resulting in the extension of task order 0012 for CBRNE support from 24 November 2014 to 21 July 2015. The initial protest received on 4 August 2014 was cancelled due to DTRA reopening source selection evaluations. Upon completion of re-evaluations, DTRA announced contract award on 22 January 2015. On 4 February 2015 this award was protested to the U.S. Court of Federal Claims Bid Protest. At this time, the protest for the follow-on CBRNE contract remains ongoing and the potential of a resolution before the end of the period of performance is unlikely. DTRA CBRNE efforts require extensive advance planning as well as the coordination among various federal, state, local agencies and PNs. Based on the aforementioned, it is neither programmatically, financially, nor logistically feasible to allow a gap in the execution of these multi-agency/national coordinated events. In order to mitigate the pending "stop work" of these critical NUWAIX/CBRNE efforts, DTRA intends to bridge the current contract by offering CAI a sole source contract to be executed from 22 July 2015 until 21 July 2016 to ensure DTRA can sustain the FY15/16 efforts as well as maintain established commitments with the GCCs and PNs. If the U.S. Court of Federal Claims upholds the bid protest and requires execution of a follow-on full and open competition, DTRA intends to comply.

3. Statutory Authority

The statutory authority for this non-competitive action is 10 U.S.C. 2304(c)(1), Only One Responsible Source and No Other Supplies or Services will Satisfy Agency Requirements.

4. Applicability of Authority

The subject IDIQ contract was awarded in July of 2004 under full and open competitive procedures. CAI was the successful offeror amongst five companies. As the incumbent performer, CAI has over eleven years of extensive experience in the planning, development, and execution of the NUWAIX and Foreign CBRNE programs requirements and is integrally involved in the execution of current efforts as well as engrained in the joint event life cycle planning, development, and coordination required for planned/pending events. Further, the GCC's have written DTRA's support services into their theatre campaign plans and are relying on this support to fulfill their AOR mission requirements. Any gap in the continued performance of these critical exercise support efforts would prevent the execution of partner exercises in CENTCOM, PACOM, EUCOM, AFRICOM, and SOUTHCOM and consequently result in critical and unacceptable impacts both financially and programmatically to these national security programs. The NUWAIX and Foreign CBRNE exercise programs operate in accordance with CJCSM 3500.03D using the Joint Event Life Cycle (JELC) process. The JELC for each of the exercise event have planning cycles of eight to sixteen months many of which have already begun. The unacceptable delay incurred if a new contract was solicited with full and open competition would force all support to the GCCs to halt resulting in mission failure.

CAI has provided over ten years of evolutionary NUWAIX and Foreign CBRNE program

engagements, coordination, capabilities analysis, and corresponding CBRNE Preparedness training with PNs within the CENTCOM, PACOM, EUCOM, AFRICOM, and SOUTHCOM AORs. It is, therefore, practical and in the Government's best interests to award a bridge contract for a period of performance from 22 July 2015 to 21 July 2016 at a value of \$4.7M. This bridge will ensure continued sustainment of aforementioned programs and individual support efforts during the resolution of the current protest for the new CBRNE IDIQ.

5. Effort to Solicit Potential Sources

A synopsis of this contract action will be issued in accordance with the Federal Acquisition Regulation (FAR). Any responses received thereto will be evaluated prior to execution of this bridge contract. Further, as detailed in paragraph 4 above, it is impractical to attempt to solicit alternative sources for this sustainment effort. The Government requires immediate and continued support to perform existing and scheduled tasks through July of 2016 and CAI is the only vendor capable of meeting the Government's requirements for the NUWAIX and Foreign CBRNE program support services efforts, time and other factors considered. Therefore, the Government will not seek to solicit additional potential sources due to the protest and intends to await its final outcome. In the event, the court rules in favor of the protester, DTRA will execute a follow-on full and open competition effort with a tentative award in January 2016.

6. Fair and Reasonable Costs

The cost/price of the bridge placed against the existing IDIQ will be determined to be fair and reasonable based on field pricing support, input/technical evaluation from the program office, a review of historical data, and a cost analysis.

7. Market Research

Market research was completed for the new CBRNE IDIQ contract that was awarded through full and open competition; however, due to the current protest DTRA is required to issue a bridge contract to alleviate a break in support. No additional market research is necessary.

8. Other Facts

The requested sole source bridge contract estimated ceiling of \$4,700,000 is based on current and scheduled requirements to support the NUWAIX and Foreign CBRNE program effort through 21 July 2016.

9. Interested Sources

In the event the U.S. Court of Federal Claims Bid Protest rules in favor of the protesting party and DTRA is unable to execute the previously awarded CBRNE IDIQ contract, interested sources will be identified through an additional posting on FedBizOpps.

10. Subsequent Actions

DTRA intends to comply with the U.S. Court of Federal Claims Bid Protest's ruling. Should the courts rule in favor of DTRA, a task order shall be issued under the new CBRNE IDIQ. However, should the court rule in favor of the protester, DTRA will be required to issue

another bridge alleviate a lapse of support while pursuing a follow-on full and open competition for CBRNE support services.

Contracting Officer Certification & Determination

I certify that the data and information forming the basis for this justification are accurate and complete to the best of my knowledge and belief.

**EVERLY.TABITHA
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Tabitha Everly
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